

INTERFERENCE DIGEST

Interference No. 105,586

Paper No.

Name: Fred Smith

Serial No.: 09/775,083

Patent No.

Title: Combination fuel dispensing and lottery ticket dispensing method and apparatus

Filed: 02/01/01

Interference with Keohane

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Richard E. Schafer
Telephone: 571-272-4683
Facsimile: 571-273-0042

Applicant: SMITH
Application No.: 09/775,083
Filed: 02/01/01
For: Combination fuel dispensing and lottery ticket
dispensing method and apparatus

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,586.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard E. Schafer/
RICHARD E. SCHAFER
Administrative Patent Judge

Mail Stop Interference
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March 31, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ingenious Concepts, Inc.,
Junior Party
(Application SN 09/775,083,
Inventor: Fred Smith),

v.

Gilbarco Inc.,
Senior Party
(Patent-6,364,206
Inventor: Denis J. Keohane).

Patent Interference 105,586 (RES)
(Technology Center 2800)

DECLARATION - Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part A. Declaration of interference**

2 An interference is declared (35 U.S.C. § 135(a)) between the above-identified
3 parties. Details of the application(s), patent (if any), reissue application (if any), count
4 and claims designated as corresponding or as not corresponding to the count appear in
5 Parts E and F of this DECLARATION.

6 **Part B. Judge managing the interference**

7 Administrative Patent Judge Richard E. Schafer has been designated to manage
8 the interference. 37 CFR § 41.104(a).

9 **Part C. Standing order**

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 **Part D. Initial conference call**

13 A telephone conference call to discuss the interference is set for **3:00 p.m. on**
14 **May 28, 2008** (the Board will initiate the call).

15 No later than **two business days** prior to the conference call, each party shall
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (37 CFR § 41.120 & 204;
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A time periods for taking action during the motion phase are set in an order
19 accompanying this declaration.

1 **Part E. Identification and order of the parties**

2 **Junior Party**

3 Named inventors: Fred Smith

4 Involved Application: 09/775,083

5 Title: Combination Fuel Dispensing And Lottery Ticket
6 Dispensing Method And Apparatus

7 Assignee: Ingenious Concepts, Inc.

8 **Senior Party**

9 Named Inventors: Denis J. Keohane

10 Involved Patent: 6,364,206 issued from Application 09/487,769, filed
11 January 19, 2000

12 Title: Lottery Ticket Sales In Fueling Forecourt

13 Assignee: Gilbarco Inc.

14 The senior party is assigned exhibit numbers 1001-1999. The junior party is
15 assigned exhibit numbers 2001-2999. 37 C.F.R. § 41.154(c)(1); SO ¶ 154.2.1. The
16 senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

17 **Part F. Count and claims of the parties**

18 Count 1

19 Claim 1 of Patent 6,364,206.

20
21 Claim 1 of 6,364,206 provides :

- 22 1. A fuel dispensing system comprising:
23 a fuel dispenser including
24 a customer interface for conducting a transaction including
25 a lottery ticket purchase,
26 a payment acceptor for receiving a payment for the transaction,
27 and
28 a lottery ticket dispenser for dispensing lottery tickets; and

1 a control system operatively associated with said fuel dispenser and adapted
2 to cause said lottery ticket dispenser in said fuel dispenser to dispense
3 a lottery ticket to a customer in response to receiving the payment for
4 the transaction through said payment acceptor in said fuel dispenser.
5

6 The claims of the parties are:

7 Ingenious Concepts, Inc (Smith): Claims: 21-45
8 Gilbarco Inc. (Keohane): Claims: 1-40

9 The claims of the parties that correspond to Count 1 are:

10 Ingenious Concepts, Inc (Smith): Claims: 21-45
11 Gilbarco Inc. (Keohane): Claims: 1-40

12 The claims of the parties that do not correspond to Count 1, and therefore are
13 not involved in the interference, are:

14
15 Ingenious Concepts, Inc (Smith): None
16 Gilbarco Inc. (Keohane): None

17 The parties are accorded the following benefit for Count 1:

18 Ingenious Concepts, Inc (Smith):
19 Application 60/179,821 filed February 2, 2000

20 Gilbarco Inc. (Keohane):
21 None
22

23 **Part G. Heading to be used on papers**

24 The following heading must be used on all papers filed in this interference,
25 see SO ¶ 106.1.1:

Paper Leave blank

Filed on behalf of: *Party @.*

By: *Counsel Name(s) @*

Address @

((@@@) @@@- @@@@ (telephone)

((@@@) @@@- @@@@ (facsimile)

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